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MAR 30 2006

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| Date:       | March 30, 2006   |              |      |
| To:         | US Patent & Trademark Office<br>Tel: 571-272-3282<br>Fax: 571-273-0025 |              |      |
| From:       | Michael J. Halbert Tel: 408/982-8202 Fax: 408/982-8210                 |              |      |
| Pages       | 6 (including cover sheet)  |              |      |
| Inventors:  | Blaine R. Spady  |              |      |
| Title:      | Metrology/Inspection Positioning System                                |              |      |
| Application | 09/458,123   | Confirmation | 8470 |
| Examiner:   | Gordon Stock   |              |      |

Enclosed for filing in the above-identified application are the following:

**Petition to Withdraw from Issuance under 37 CFR 1.313(c) (1 page); RCE Transmittal (1 page); Amendment (3 pages); Form PTO 2038 (1 page)**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**FAX RECEIVED**

MAR 30 2006

**OFFICE OF PETITIONS**

Inventors: Blaine R. Spady; John D. Heaton

Assignee: Nanometrics Incorporated

Title: Metrology/Inspection Positioning System

Serial No.: 09/458,123

Filing Date: December 8, 1999

Examiner: Gordon Stock

Group Art Unit: 2877

Docket No.: NAN035 US

Confirmation No.: 8470

Santa Clara, California  
March 30, 2006Mail Stop Petition  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Void date: 04/04/2006 CKHLOK  
04/04/2006 CKHLOK 00000010 502263 09458123  
01 FC:1464 130.00 CR**PETITION TO WITHDRAW FROM ISSUANCE**  
**UNDER 37 C.F.R. §1.313(C)**

Dear Sir:

Pursuant to 37 CFR § 1.313 (c)(2), Applicant petitions to withdraw the above-referenced application from issue to allow consideration of the enclosed Request for Continued Examination (RCE).

Withdrawal of the application from issue is required to allow the Examiner to consider the amendment to the written description to perfect a claim of priority as provided in the Amendment submitted with the RCE. The claim of priority is proper as the present application and the patent to which priority is being claimed were copending and both name at least one common inventor pursuant to 37 C.F.R. 1.178(a)(1) and the present application was filed prior to November 29, 2000 pursuant to 37 C.F.R. 1.178(a)(2)(ii)(B).

Should there be any questions regarding this petition, please telephone the undersigned at 408-982-8202.

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number (571) 273-0025 on March 30, 2006.

*Michael J. Halbert* 3-30-06  
Attorney for Applicant(s) Date of Signature

Respectfully submitted,

*Michael J. Halbert*

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Serial No. 09/458,123